

**Board of Judicial Policy and Administration**  
**Minutes**  
**December 1, 2011**

The Board of Judicial Policy and Administration met in Cheyenne on December 1, 2011. In attendance in person in Cheyenne were Justice William Hill, Karen Gottlieb, Cindy DeLancey, and Becky Craig. Those in attendance by video conference were Chief Justice Marilyn Kite, Justice Michael Golden, Judge Dan Price, Judge Jeffrey Donnell, Judge Thomas Campbell, Judge Wade Waldrip, Judge Marvin Tyler, Judge Dennis Sanderson, Judge Dan Forgey, Judge Robert Castor, Judge Wesley Roberts, Joann Odendahl, and Ronda Munger.

**Old Business**

**Committee Updates**

**Court Security Commission** – Justice Hill introduced Cindy DeLancey, the Executive Director of the Wyoming County Commissioners Association, who was recently added as an ex-officio member of the Court Security Commission. Justice Hill reported that the County Commissioners are very supportive of the Court Security Commission's efforts to get a bill passed to close the loophole that currently exists in the law regarding weapons in courthouses. He explained that the LSO prepared a bill at the urging of Representative Botten, but it is felt that the bill doesn't go as far as it was hoped it would. The current version of the bill prohibits firearms in courtrooms, but does not prevent someone from carrying a firearm into a courthouse when conducting business in a county office. The Court Security Commission would like to have a bill that would allow, but not require, local entities to prohibit weapons in courthouse buildings. Judge Donnell informed the Board that he sent a copy of the bill to the NRA's legislative liaison, and was told that the NRA is not opposed to governmental security, but that it would like to see that there are enforcement mechanisms in place in the courthouses where it is used. He explained that the NRA representative will send him a copy of what they recommend in terms of legislation, and that he will pass it on to Representative Botten. Cindy DeLancey stated that she believes the County Commissioners' main question will pertain to the funding needed for local authorities to provide for courthouse security. She explained that there's a wide spectrum of counties that have varied resources, and some are able to find the resources and some are not. She is hopeful that the funding issue will be discussed further. Judge Donnell offered to speak with Representative Botten about this matter. He pointed out that this would not be a mandate; it would allow the counties to enforce it if they choose.

**CTAC/District Court Case Management/E-Citations** – Joann Odendahl reported that LT Court Tech is still on schedule to start rolling out the district court case management system to the FullCourt users in August. They are in the process of finishing a component that migrates all of the information in FullCourt into the new case management system. As soon as the FullCourt piece is completed, work will begin on the FACTS migration, which will then be followed by Natrona County's and Carbon County's migration. Joann

advised the Board that within the next month work will begin on the district judges' component of the new case management system, which will entail scheduling and reporting. She explained that it will take about a year to get the case management system into all of the district courts, with the e-filing system being systematically integrated into the courts within that year so that the funding for that project will not be lost. Joann reported that the e-citation pilot was to start on December 1<sup>st</sup>, however, the Wyoming Highway Patrol's vendor is behind by 2-3 months. It is now anticipated that the pilot will begin on March 1, 2012.

### **Case Flow Management Conference**

Judge Price spoke about the report that was prepared and circulated by Judge Tyler after he, Judge Tyler, and Judge Sanderson attended the Western Regional Conference on Case Flow Management. He explained that their consensus is that with the development of the district court case management system, there will be an opportunity to gather statewide information and statistics to determine if there is a case flow problem. If a problem is found to exist, they can then look at development and adoption of formal standards. Lengthy discussion followed regarding case flow management, time standards for various types of cases, and development of a mission statement. Judge Campbell moved and Judge Donnell seconded a motion that a case flow analysis be offered to each district judge, upon his or her request, with the information derived from the analysis to be made available only to that judge for use as he or she determines. Motion carried unanimously. The district judges will discuss development of a mission statement at their conference meeting.

### **Judicial Salaries**

Chief Justice Kite reported that Senator Nicholas has prepared a bill regarding judicial salaries. Discussion was held on the matter. The judges will discuss the proposed salaries within their conferences.

### **Hay Group Report**

Joann updated the Board on the Hay Group's report. She explained that while Wyoming's judicial branch wages are comparable to the 12 states that the Hay Group uses in their market comparisons, there are many positions that are below minimum when compared within the State of Wyoming's market. Joann advised that she will arrange to meet with Senator Nicholas and Representative Berger to discuss the Supreme Court's budget proposal, the majority of which is for completion of the district court case management system and development of a circuit court case management system.

### **Joint Judiciary Interim Committee**

Chief Justice Kite informed the Board that the Committee did adopt the bill to create a judgeship in the Fourth Judicial District.

## **New Business**

### **New Judicial Workload Study/Cover Sheets for Initial Filing Documents**

Chief Justice Kite explained that because the civil jurisdiction for the circuit courts was changed, the time per case on the workload study is now inaccurate in both the district courts and the circuit courts. Funding for a time study of the circuit court clerks has been appropriated and will be conducted in April and May of 2012. A time study will also be

done for the judges next fall, if funding is approved. She explained that in the course of doing the studies, and as a precursor to electronic filing, it will be necessary for the clerks to ascertain what type of civil action a case is at the time of filing. Sample "Confidential Case Filing Information Sheets" were reviewed by the Board. Joann advised that these sheets will be filled out by the attorney or the pro se litigant at the time a case is filed. It is anticipated that the cover sheets will be in use by the spring of 2012. Karen Gottlieb explained that the cover sheets will help ensure that the statistics are categorized the same across the state, which will ultimately make for a better workload model. Discussion was held about adding a cover sheet for criminal cases, specifically criminal capital cases. Judge Campbell moved and Judge Castor seconded a motion to have LT Court Tech add criminal "capital cases" as a case type in the new district court case management system. Motion carried unanimously. Further discussion was held. Justice Golden moved and Judge Price seconded a motion that the Board recommend to the Supreme Court that a rule be adopted that requires the filing of an information sheet in the district courts. Motion carried unanimously. Further discussion was held about additional categories that were felt should be added to the cover sheets. The categories will be discussed in more detail at the district judges' meeting later in the day. Chief Justice Kite also advised the Board that the current caseload study is done by district, not by judge. Therefore, when a district judge takes a case in another district, he or she essentially does not get credit for it on the caseload study. Ronda explained that a second version of the study will be done to ascertain the workload based on the cases assigned to each judge.

#### **Court Facilitators**

Chief Justice Kite reported that there have been a number of district court clerks who have expressed an interest in having personnel in their offices trained as court facilitators. She explained that this could be done very inexpensively, since The Institute for the Advancement of the American Legal System has offered to do the training for free. Judge Sanderson and his clerk are interested in being a pilot court. Chief Justice Kite pointed out that this is not something that is being proposed in every district; it is simply a tool that is available if a district judge and clerk are interested. This topic will be brought up at the district judges' meeting.

#### **JEAC Membership**

Ronda Munger reported that Judge Roberta Coates' term on the Judicial Ethics Advisory Committee expires on December 31, 2011, and that according to the JEAC Rules, the position, in this instance, can be filled by either a circuit court judge or a district judge. Discussion was held. It was decided that this position will be filled by a district court judge. A volunteer will be recruited at the district judges' meeting. It was also determined that when a similar situation arises where an expired term can be filled by either a circuit court judge or a district judge, the position will be filled by a member of the other conference.

### **Miscellaneous**

**Legislative Breakfast** – The Legislative Breakfast will be held on February 13, 2012.

**September 18, 2012 BJPA Meeting** – This meeting will be in Jackson in conjunction with the State Bar Meeting.

Board Adjourned.

Schedule of Future Meetings:

March 1, 2012

June 1, 2012

September 18, 2012 (Jackson)

December 6, 2012

Approved by email on January 23, 2012

**The Board of Judicial Policy and Administration's meetings are not open to the public unless the Board, in its discretion, determines that a particular meeting or agenda item should be open to the public. The Board will disclose what is discussed at the meetings at its discretion.**